

EXHIBIT M

EXHIBIT

tabbles

m

In The Matter Of:

*Tammy Kitzmiller, et al. v.
Dover Area School District, et al.*

*Sheila Harkins
January 3, 2005*

*Filius & McLucas Reporting Service, Inc.
1427 East Market Street, York, PA
4309 Linglestown Road, Harrisburg, PA*

(717) 845-6418 or (717) 236-0623

*Original File SH010305.TXT, 116 Pages
Min-U-Script® File ID: 3014995461*

Word Index included with this Min-U-Script®

Page 24

[1] A: I don't understand you to be wrong. I don't
[2] know that, but I believe you.
[3] Q: Have you ever had any conversations with any of
[4] those people about whether the theory of
[5] evolution conflicts with their personal
[6] religious views?
[7] A: No, I have not.
[8] Q: Have any of those people ever shared with you
[9] their personal views on their religious views as
[10] it relates to the theory of evolution?
[11] A: No.
[12] (Plaintiff's Deposition Exhibit #4 marked
[13] for identification)

BY MR. HARVEY:

[15] Q: Ms. Harkins, I've just handed you what's been
[16] marked as Plaintiff's Exhibit 4. There's no
[17] need for you to look at it right now. It's a
[18] long exhibit.
[19] A: Do you want me to read this?
[20] Q: No, no. Just bear with me for just a second.
[21] I'm not asking you to read this right now. I
[22] may ask you to refer to portions of this
[23] throughout my questioning. And I'll tell you
[24] right now it's a compendium of articles from the
[25] York Daily Record and The York Dispatch over the

Page 25

[1] past year. I don't know if it's every article
[2] that relates to the subject that led up to this
[3] lawsuit, but it's certainly a number of them.
[4] You are aware that the board's deliberations
[5] over the last year about the biology curriculum
[6] have generated a certain amount of press?
[7] A: Yes.
[8] Q: Do you read a newspaper on a daily basis?
[9] A: Yes.
[10] Q: Which one do you read?
[11] A: York Daily Record.
[12] Q: Do you ever read The York Dispatch?
[13] A: Rarely.
[14] Q: Why do you read the York Daily Record as opposed
[15] to The York Dispatch?
[16] A: That's the one that comes to my door.
[17] Q: Is the Daily Record the morning paper?
[18] A: Yes.
[19] Q: Are you aware that the York Daily Record has
[20] followed the board's actions over the past year
[21] on the subject of the biology curriculum and had
[22] quite a number of articles on that?
[23] A: Followed or made it up?
[24] Q: There's been reporting on it.
[25] A: Yes.
[26]

[1] Q: Have you ever contacted anyone at the paper to
[2] tell them that the reporting is incorrect?
[3] A: I have yelled at Joe Maldonado occasionally.
[4] Q: Tell me on how many occasions have you done
[5] that?
[6] A: I couldn't count.
[7] Q: More than five?
[8] A: Probably.
[9] Q: Do you remember the things that you yelled at
[10] him about?
[11] A: I couldn't even— Many different topics.
[12] Q: Why did you yell at him?
[13] A: Because he's a lousy reporter.
[14] Q: Why is he a lousy reporter?
[15] A: He never reports what's said, rarely I should
[16] say.
[17] Q: Did you yell at him for the press coverage that
[18] relates to the subject of the board's
[19] deliberations about the biology curriculum?
[20] A: Yes. But by that point I was getting tired of
[21] him, and so I was telling him just stay away
[22] from me.
[23] Q: Are you aware of anything in particular that was
[24] reported over the past year by the York Daily
[25] Record that you believe was incorrect?

Page 27

[1] A: I can't even think of all things.
[2] Q: Can you think of any of the things?
[3] A: Well, when we were discussing deliberating the
[4] under God in the Pledge, his reporting was
[5] askew.
[6] Q: Anything else that you can remember that you
[7] read in the York Daily Record that you believe
[8] was incorrect?
[9] A: There were some things about Angie Yingling that
[10] were incorrect.
[11] Q: What things about Angie Yingling?
[12] A: I don't remember the specifics, but I remember
[13] they were about Angie and they were totally
[14] false that he reported.
[15] Q: Anything else other than what you've just told
[16] me about under God in the Pledge and things that
[17] were reported by Angie Yingling that you believe
[18] were reported incorrectly?
[19] A: Not topics, no.
[20] Q: Now, I'd like to go and ask you a question
[21] starting about some events that began in June of
[22] this past year. Do you remember there was a
[23] board meeting on June the 7th?
[24] A: I believe you. Do I remember the board
[25] specifically, no.

Page 36

[1] of June the 9th in the third paragraph.
[2] **A:** Wait a minute, maybe I didn't read it all. I
[3] only read York Dispatch.
[4] **Q:** Please read the next article as well.
[5] **A:** I'm sorry, I thought you said York Dispatch
[6] article.
[7] **Q:** I apologize. I think I did say that, but please
[8] read the Dispatch article. Have you had a
[9] chance to read that?
[10] **A:** Yes.
[11] **Q:** Now, you've read the June 9th article from The
[12] York Dispatch and the June 9th article from the
[13] Daily Record, correct?
[14] **A:** Correct.
[15] **Q:** Does reading those articles help you remember
[16] the things that were said by any of the board
[17] members about the biology textbook or—
[18] **A:** I question even if Joe Maldonaldo was even
[19] there.
[20] **Q:** Ma'am, let me finish my question. Then you can
[21] answer. My question to you is, does this help
[22] you remember anything that was said at the board
[23] meeting that was held on or about June the 8th?
[24] **A:** I can't say that it does, no.
[25] **Q:** Do you remember that, and I'm referring now to

Page 37

[1] the York Daily Record article of June 9th in the
[2] third paragraph, do you remember Mr. Buckingham
[3] saying the book Biology had been under
[4] consideration but was declined because of its
[5] one-sided reference to evolution?
[6] **A:** I don't believe he said that.
[7] **Q:** You have no recollection of that?
[8] **A:** I don't believe he said it.
[9] **Q:** Why don't you believe he said that?
[10] **A:** Because I don't believe anything Joe Maldonaldo
[11] writes.
[12] **Q:** The next paragraph says, again quoting
[13] Mr. Buckingham, it's inexcusable to teach from a
[14] book that says man descended from apes and
[15] monkeys. We want a book that gives balanced
[16] education. Do you remember him saying that?
[17] **A:** I don't believe he said it.
[18] **Q:** You have no recollection of him saying that?
[19] **A:** No.
[20] **Q:** I'm sorry, then what is your answer?
[21] **A:** I don't believe he said it.
[22] **Q:** I'm asking you if you remember Mr. Buckingham
[23] saying that.
[24] **A:** No.
[25] **Q:** You don't remember that?

Page 38

[1] **A:** I don't remember that.
[2] **MR. THOMPSON:** Objection. I think that's a
[3] mischaracterization. She said, I don't believe
[4] he said it. It's different than I don't
[5] remember.
[6] **MR. HARVEY:** That's why I was trying to get
[7] clarification on that.
[8] **A:** I don't believe he said that.
[9] **BY MR. HARVEY:**
[10] **Q:** I understand that. And you don't believe that
[11] because you said already you don't believe what
[12] Mr. Maldonaldo writes, correct?
[13] **A:** Correct.
[14] **Q:** But I'm asking you if you have any recollection
[15] of him saying that or anything like that?
[16] **A:** No, I have no recollection of him saying
[17] anything like that.
[18] **Q:** The next paragraph says, Buckingham and other
[19] board members are looking for a book that
[20] teaches creationism and evolution. Do you see
[21] that?
[22] **A:** Yes.
[23] **Q:** Do you remember anybody at the board meeting
[24] saying anything like that?
[25] **A:** No. And I believe that not to be true.

Page 39

[1] **Q:** Why do you believe that not to be true?
[2] **A:** Because I was a part of the curriculum
[3] committee, and I've never had anyone ever talk
[4] about looking for a book of creationism and
[5] evolution.
[6] **Q:** What is creationism?
[7] **A:** I think it has many meanings to many different
[8] people.
[9] **Q:** Do you have an understanding of it for yourself?
[10] **A:** No.
[11] **Q:** If you go down to the paragraph that's at the
[12] bottom of the page, it says, Board President
[13] Alan Bonsell disagreed saying there were only
[14] two theories, creationism and evolution, that
[15] could possibly be taught. He said as long as
[16] both were taught as theories there would be no
[17] problems for the district. Do you see those
[18] words?
[19] **A:** Yes.
[20] **Q:** Do you remember anyone at the board meeting on
[21] or about June 8th saying anything like that?
[22] **A:** No, I have no recollection.
[23] **Q:** Do you remember anyone saying anything like that
[24] at any time?
[25] **A:** No.